

MCImetro will comply with all applicable rules, policies, and statutes applicable to the offering of those services and that MCImetro fully intends to meet the Commission's service standards. Mr. Darnell also testified to the Company's ability to handle customer service requests. No party offered any evidence to dispute Mr. Darnell's testimony. Based on the undisputed testimony from Mr. Darnell, the Commission believes, and so finds, that MCImetro will provide telecommunications services which will meet the service standards of the Commission.

(3) The Commission finds that MCImetro's "provision of service will not adversely impact the availability of affordable local exchange service." S.C. Code Ann. §58-9-280(B)(3) (Supp. 1996). Mr. Darnell's prefiled testimony reveals that MCImetro anticipates that approval of its Application will enhance telecommunications competition in South Carolina. Mr. Darnell further offered that competition would encourage technological innovation and efficient use of resources and that price competition would enable consumers to obtain the services they desire at reasonable prices. No party offered any evidence that the provision of local exchange service by MCImetro would adversely affect local rates. Therefore, based on the undisputed evidence of record, the Commission finds that provision of local exchange services by MCImetro will not adversely impact affordable local exchange service.

(4) The Commission finds that MCImetro will support universally available telephone service at affordable rates. S.C.

Code Ann. §58-9-280(B)(4) (Supp. 1996). Mr. Darnell testified that MCImetro will comply with the Commission's universal service requirements. No party disputed Mr. Darnell's testimony. Based on the undisputed evidence of record, the Commission finds that MCImetro will participate in support of universally available telephone service at affordable rates.

(5) The Commission finds that the provision of local exchange service by MCImetro "does not otherwise adversely impact the public interest." S.C. Code Ann. §58-9-280(B)(5) (Supp. 1996). Mr. Darnell offered that the competition of MCImetro offering services in South Carolina will benefit customers. Further, Mr. Darnell offered that certification of MCImetro to provide local exchange service would increase competition in the South Carolina telecommunications marketplace thereby ensuring a wide variety of services and prices and increased customer choice. Mr. Darnell's testimony was undisputed as no party offered any evidence that approval of MCImetro's Application would adversely impact the public interest. Therefore, the Commission finds that approval of MCImetro's Application for a Certificate to provide local exchange service "does not otherwise adversely impact the public interest." S.C. Code Ann. §58-9-280(B)(5) (Supp. 1996).

Therefore, based on the findings above, the Commission finds and concludes that the Certificate sought by MCImetro should be granted.

IT IS THEREFORE ORDERED THAT:

1. The Application of MCImetro for a Certificate of Public

Convenience and Necessity to provide resold and facilities-based local exchange telecommunications services and exchange access services, including intraLATA intrastate long distance services, throughout the State of South Carolina is approved.

2. MCImetro shall file, prior to offering local exchange services in South Carolina, a final tariff of its service offerings. The final tariff shall include the modifications and changes to the proposed tariff to which MCImetro agreed with the Commission Staff.

3. MCImetro shall, in compliance with Commission regulations, designate and maintain an authorized utility representative who is prepared to discuss, on a regulatory level, customer relations (complaint) matters, engineering operations, and tests and repairs. In addition, MCImetro shall provide to the Commission in writing the name of the authorized representative to be contacted in connection with general management duties as well as emergencies which occur during non-office hours. MCImetro shall file with the Commission the names, addresses, and telephone numbers of these representatives within thirty (30) days of receipt of this Order. (Attachment A shall be utilized for the provision of this information to the Commission.) Further, MCImetro shall promptly notify the Commission in writing if the representatives are replaced. MCImetro is directed to comply with all Commission regulations unless expressly waived by the Commission.

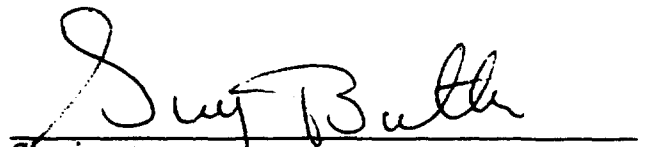
4. MCImetro shall conduct its business in accordance with

Commission decisions and Orders, both past and future, including, but not limited to, any and all Commission decisions which may be rendered in Docket No. 96-018-C regarding local competition.

5. The Stipulation filed by MCImetro and the SCTC is approved by this Commission, is binding upon MCImetro and the SCTC, and shall be implemented as set forth in the Stipulation. We therefore make no findings or conclusions regarding competition in the rural areas of South Carolina.

6. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)

DOCKET NO. 97-115-C - ORDER NO. 97-576  
JULY 7, 1997  
ATTACHMENT A

**INFORMATION OF THE AUTHORIZED UTILITY REPRESENTATIVES  
FOR INTEREXCHANGE, LOCAL AND AOS COMPANIES:**

PURSUANT TO SOUTH CAROLINA PUBLIC SERVICE COMMISSION  
REGULATION 103-612.2.4(b), each utility shall file and  
maintain with the Commission the name, title, address, and  
telephone number of the persons who should be contacted in  
connection with Customer Relations/Complaints.

\_\_\_\_\_  
Company Name/DBA Name

\_\_\_\_\_  
Business Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Authorized Utility Representative (Please Print or Type)

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
E-Mail Address

\_\_\_\_\_  
This form was completed by

\_\_\_\_\_  
Signature

If you have any questions, contact the Consumer Services  
Department at 803-737-5230

**TELECOPIER COVER SHEET**

**WILLOUGHBY & HOEFER, P.A.  
1022 CALHOUN STREET, SUITE 302  
POST OFFICE BOX 8416  
COLUMBIA, SC 29202-8416**

**TELEPHONE NO. 803-252-3300  
TELECOPIER NO. 803-256-8062**

TO: Marsha A. Ward, Esquire  
TELECOPIER NO: 404-267-5992  
FROM: John M. S. Hoefer, Esquire  
DATE: July 18, 1997 TIME: \_\_\_\_\_  
TOTAL NUMBER OF PAGES, INCLUDING COVER SHEET: 12

*Message:*

Note: Original to be forwarded via:

1. First Class U.S. Postal Service ☐ yes ☒ no
2. Federal Express ☐
3. ☐ Other

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\*\*\*\*\*  
\*\*\* ACTIVITY REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO.	5585
CONNECTION TEL	14042675992p190
CONNECTION ID	MCI/FTA
START TIME	07/18 12:45
USAGE TIME	05'20
PAGES	12
RESULT	OK

**TELECOPIER COVER SHEET**

**WILLOUGHBY & HOEFER, P.A.  
1022 CALHOUN STREET, SUITE 302  
POST OFFICE BOX 8416  
COLUMBIA, SC 29202-8416**

**TELEPHONE NO. 803-252-3300  
TELECOPIER NO. 803-256-8062**

TO: Marsha A. Ward, Esquire

TELECOPIER NO: 404-267-5992

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TOTAL NUMBER OF PAGES, INCLUDING COVER SHEET: 12

Message:

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**WILLOUGHBY & HOEFER, P.A.  
1022 CALHOUN STREET, SUITE 302  
POST OFFICE BOX 8416  
COLUMBIA, SC 29202-8416**

**TELEPHONE NO. 803-252-3300  
TELECOPIER NO. 803-256-8062**

TO: Jeff Champlin

TELECOPIER NO: 512-477-3845

FROM: John Hoefer

DATE: July 18, 1997

TIME: 12:30

TOTAL NUMBER OF PAGES, INCLUDING COVER SHEET:

12

Message:

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\*\*\*\*\*  
\*\*\* ACTIVITY REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO. 5584  
CONNECTION TEL 14042675992p157  
CONNECTION ID  
START TIME 07/18 12:54  
USAGE TIME 05'27  
PAGES 12  
RESULT OK

**TELECOPIER COVER SHEET**

**WILLOUGHBY & HOEFER, P.A.  
1022 CALHOUN STREET, SUITE 302  
POST OFFICE BOX 8416  
COLUMBIA, SC 29202-8416**

**TELEPHONE NO. 803-252-3300  
TELECOPIER NO. 803-256-8062**

TO: Greg Darnell

TELECOPIER NO: 404-267-5992

FROM: John M. S. Hoefer, Esquire

DATE: July 18, 1997 TIME: \_\_\_\_\_

TOTAL NUMBER OF PAGES, INCLUDING COVER SHEET: 12

Message:

Note: Original to be forwarded via:

1. First Class U.S. Postal Service ☐ yes ☒ no
2. Federal Express ☐
3. ☐ Other

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POST OFFICE BOX 8416  
COLUMBIA, SC 29202-8416**

**TELEPHONE NO. 803-252-3300  
TELECOPIER NO. 803-256-8062**

TO: Greg Darnell

TELECOPIER NO: 404-267-5992

FROM: John M. S. Hoefer, Esquire

DATE: July 18, 1997 TIME:

TOTAL NUMBER OF PAGES, INCLUDING COVER SHEET: 12

Message:

Note: Original to be forwarded via:

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2. Federal Express ☐
3. ☐ Other

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\*\*\*\*\*  
\*\*\* ACTIVITY REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO. 5583  
CONNECTION TEL 15124773845p157  
CONNECTION ID MCI TELECOMMUNIC  
START TIME 07/18 12:37  
USAGE TIME 05'30  
PAGES 12  
RESULT OK

**TELECOPIER COVER SHEET**

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1022 CALHOUN STREET, SUITE 302  
POST OFFICE BOX 8416  
COLUMBIA, SC 29202-8416**

**TELEPHONE NO. 803-252-3300  
TELECOPIER NO. 803-256-8062**

TO: Jeff Champlin

TELECOPIER NO: 512-477-3845

FROM: John Hofer

DATE: July 18, 1997 TIME: 12:30

TOTAL NUMBER OF PAGES, INCLUDING COVER SHEET: 12

Message:

**Note:** Original to be forwarded via:

1. First Class U.S. Postal Service ☐ yes ☒ no
2. Federal Express ☐
3. ☐ Other

**APPLICATION OF MCIMETRO ACCESS TRANSMISSION  
SERVICES FOR CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY**

**DOCKET NO. 97-115-C**

**HEARING NOTEBOOK**

1. APPLICATION OF MCIMETRO (3/20/97)
2. MCIMETRO'S PRICE LISTS FOR ACCESS SERVICES AND LOCAL EXCHANGE SERVICES (filed 4/8/97)
3. PETITION TO INTERVENE OF BELLSOUTH (4/10/97)
4. PETITION TO INTERVENE OF SC TELEPHONE COALITION (4/15/97)
5. PETITION TO INTERVENE OF CONSUMER ADVOCATE (4/24/97)
6. STIPULATION BETWEEN MCIMETRO AND SCTC (5/2/97)
7. TESTIMONY OF GREG DARNELL (5/22/97)

6/18/97 - 3:00 p.m.

Florence Belser called with the following suggestions regarding MCIMetro's tariff.

MODIFICATIONS:

Page 38 - Returned Check Charges:

Staff suggests restating so to indicate that any return check charge will not exceed amount allowed under applicable State law.

Page 41 - Deposit Interest:

Restate to indicate that interest will be paid at the appropriate amount described by the Commission.

Page 81 (and wherever they talk about promotional offering):

Please add language which indicates that promotions will receive prior Commission approval.

Page 88 - ICB arrangements

Please add language that ICB will be filed with the Commission for approval.

Beginning on Page 84 - Newark Promotion

Florence needs to talk with you about this. She needs some clarification.

*JUST ILLUSTRATIVE*

**TELECOPIER COVER SHEET**

**WILLOUGHBY & HOEFER, P.A.  
1022 CALHOUN STREET, SUITE 302  
POST OFFICE BOX 8416  
COLUMBIA, SC 29202-8416**

**TELEPHONE NO. 803-252-3300  
TELECOPIER NO. 803-256-8062**

TO: Marsha A. Ward, Esquire

TELECOPIER NO: 404-267-5992

FROM: John M. S. Hoefer, Esquire

DATE: June 18, 1997 TIME: 3:27 p.m

TOTAL NUMBER OF PAGES, INCLUDING COVER SHEET: 2

**Message:**

Marsha, Florence Belser called with the attached list of suggested modifications to MCIMetro's Tariff. John is out of the office until tomorrow morning so I thought I should fax them to you.

**Note:** Original to be forwarded via:

1. First Class U.S. Postal Service ☐ yes ☒ no
2. Federal Express ☐
3. ☐ Other

---

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\*\*\*\*\*  
\*\*\* ACTIVITY REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO. 5078  
CONNECTION TEL 14042675992p190  
CONNECTION ID MCI/FTA  
START TIME 06/18 15:29  
USAGE TIME 00'58  
PAGES 2  
RESULT OK

**TELECOPIER COVER SHEET**

**WILLOUGHBY & HOEFER, P.A.  
1022 CALHOUN STREET, SUITE 302  
POST OFFICE BOX 8416  
COLUMBIA, SC 29202-8416**

**TELEPHONE NO. 803-252-3300  
TELECOPIER NO. 803-256-8062**

TO: Marsha A. Ward, Esquire

TELECOPIER NO: 404-267-5992

FROM: John M. S. Hoefer, Esquire

DATE: June 18, 1997 TIME: 3:27 p.m

TOTAL NUMBER OF PAGES, INCLUDING COVER SHEET: 2

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1. First Class U.S. Postal Service     yes xx no

2. Federal Express

WILLOUGHBY & HOEFER, P.A.

ATTORNEYS & COUNSELORS AT LAW

1022 CALHOUN STREET (SUITE 302)

P.O. BOX 8416

COLUMBIA, SOUTH CAROLINA 29202-8416

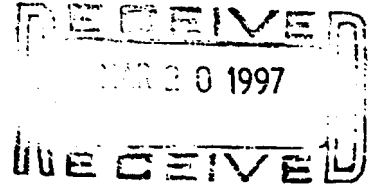
MITCHELL M. WILLOUGHBY  
JOHN M.S. HOEFER  
ALVIS J. BYNUM, JR.  
B. CRAIG COLLINS  
ELIZABETH ZECK\*\*  
ROBIN M. JOHNSON\*\*\*  
PAIGE J. GOSSETT

AREA CODE 803  
TELEPHONE 252-3300  
TELECOPIER 256-8000

\*ALSO ADMITTED IN NC  
\*\*ALSO ADMITTED IN TX  
\*\*\*ALSO ADMITTED IN NY

March 20, 1997

S.C. PUBLIC SERVICE COMMISSION



The Honorable Charles W. Ballentine  
Executive Director  
The Public Service Commission of  
South Carolina  
Post Office Drawer 11649  
Columbia, SC 29211

Re: Application of MCImetro Access Transmission  
Services, Inc. for a Certificate of Public  
Convenience and Necessity to Provide  
Telecommunications Services.

Dear Mr. Ballentine:

Enclosed please find the original and ten (10) copies of  
an Application filed on behalf of MCImetro Access Transmission  
Services, Inc. in the above-referenced matter. Please acknowledge  
your receipt of this application by file-stamping the copy of this  
letter enclosed and returning it via the person delivering same.

If you have any questions, or need additional  
information, please do not hesitate to contact me. With best  
regards, I am

Sincerely,

WILLOUGHBY & HOEFER, P.A.

A handwritten signature in dark ink, appearing to read "John M. S. Hoefer". Below the signature, the name "John M. S. Hoefer" is printed in a standard font.

John M. S. Hoefer

JMSH/tkt  
enclosures  
cc: Marsha A. Ward, Esquire  
Jeff Champlin, Esquire  
Greg Darnell, Esquire

2-MC\METRO\CWB.LTR



BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA  
DOCKET NO. \_\_\_\_\_

In the matter of:

Application of MCImetro Access	)	
Transmission Services, Inc. for a	)	
Certificate of Public Convenience and	)	
Necessity to Provide	)	APPLICATION
Telecommunications Services.	)	
<hr/>		

MCImetro Access Transmission Services, Inc. ("MCImetro"), pursuant to S.C. Code Ann. §58-9-280(B) (1996 Cum. Supp.), submits the within application to the Public Service Commission of South Carolina ("Commission") for a Certificate of Public Convenience and Necessity to provide telecommunications services on a statewide basis within the State of South Carolina as a telephone utility. In support thereof, MCImetro would show as follows:

1. MCImetro is a corporation organized and existing under the laws of the State of Delaware and duly authorized to conduct business in the State of South Carolina. MCImetro is a wholly-owned subsidiary of MCImetro, Inc., a Delaware corporation, which is in turn a wholly-owned subsidiary of MCI Telecommunications, Inc. ("MCIT").<sup>1</sup> MCIT is a wholly-owned

---

<sup>1</sup> MCIT is currently authorized to provide intrastate interexchange telecommunications service in South Carolina by authority granted to MCIT on September 24, 1984, by the Commission in Docket No. 84-181-C, Order No. 84-732. Since the

subsidiary of MCI Communications Corporation ("MCIC"), also a Delaware corporation. Copies of MCImetro's Certificate of Incorporation (issued under its original legal name of MCI Private Systems, Inc.), Certificate of Amendment changing its legal name to MCImetro, and Certificate of Existence issued by the Office of the Secretary of State for Delaware are attached hereto as Exhibits A-1, A-2, and A-3, respectively. A copy of MCImetro's Certificate of Authority to conduct business in South Carolina is attached as Exhibit A-4.

2. MCImetro's legal name, address, and principal business office and telephone number are:

MCImetro Access Transmission Services, Inc.  
2250 Lakeside Boulevard  
Richardson, Texas 75082  
(214) 918-1938

3. MCImetro's authorized representative for this proceeding is:

Greg Darnell  
780 Johnson Ferry Road  
Suite 700  
Atlanta, Georgia 30342

4. MCImetro's attorneys in this proceeding are:

Marsha W. Ward, Esquire  
780 Johnson Ferry Road, Suite 700  
Atlanta, GA 30342  
(404) 267-6374

---

granting of this certificate, MCIT has been providing telecommunications services in South Carolina in accordance with the rules and orders of the Commission. This Commission is therefore fully acquainted with MCIT and its managerial, financial and technical abilities. MCImetro is likewise familiar with applicable Commission policies, rules and orders and will observe same in the same manner as has MCIT.

and

John M.S. Hoefer, Esquire  
**Willoughby & Hoefer, P.A.**  
Post Office Box 8416  
Columbia, SC 29202-8416  
(803) 799-9171

5. MCImetro seeks to provide a full range of telecommunications services, including, but not limited to, various resold and facilities-based local exchange telecommunications and exchange access services throughout the State of South Carolina. Copies of illustrative tariffs for access and local exchange services are attached hereto and incorporated herein by reference as Exhibits B-1 and B-2, respectively. Once MCImetro has achieved interconnection (either by negotiation or arbitration with incumbent local exchange carriers (ILECs)), tariffs reflecting prices will be filed.

6. By way of illustration, and not limitation, MCImetro plans to offer local calling, intraLATA toll, operator assisted services, directory assistance, dual party relay and other special needs services, two-way trunks/lines, direct inward/outward dialing options, and 911 emergency services. MCImetro craves reference to Exhibits B-1 and B-2 hereto for more precise descriptions of the proposed service offerings.

7. MCImetro is approved to provide similar telecommunications services in California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Massachusetts, Maryland, Michigan, Minnesota, New York, New Jersey, North Carolina, Pennsylvania, Ohio, Oregon, Tennessee, Texas, Virginia,

Utah, Washington and Wisconsin. MCImetro has applications for authority to provide similar services pending in Alabama, Arkansas, Arizona, Colorado, Kentucky, Louisiana Maine, Missouri, Vermont and New Hampshire.

8. The principal officers of MCImetro have the extensive business experience needed for the management and execution of business plans to implement the above-described services in a prompt, reasonable manner. Attached hereto as Exhibit C is a brief description of the experience and qualifications of MCImetro's key officers and personnel. Additionally, there is available to MCImetro the significant technical and managerial expertise of affiliates in providing the services for which authority is hereby sought. As noted above, MCImetro is affiliated with MCIT, the second largest interexchange service provider in the United States. MCImetro and its affiliates therefore possess significant and substantial technical expertise in providing telecommunications services.

9. Through its ultimate parent MCIC, MCImetro has available to it the financial resources needed to fund and support its proposed operations in South Carolina. Attached as Exhibit D-1 and D-2, respectively, are MCIC's most recent (a) Form 10-K Report to the Securities and Exchange Commission and (b) Annual Report to Shareholders. It is submitted that these documents demonstrate the financial support which will be available for MCImetro's activities in South Carolina.

10. MCImetro intends to offer the services described hereinabove, including local exchange services, once it has obtained interconnection, unbundled access, resold services, and other rights to which it is entitled from incumbent local exchange carriers under Section 251(c) of the Federal Telecommunications Act of 1996.

11. MCImetro submits (1) that it possesses the technical, financial, and managerial, resources sufficient to provide the services requested; (2) the service to be provided will meet the standards that the Commission may adopt; (3) provision of the service will not adversely impact the availability of affordable local exchange service; (4) MCImetro, to the extent it may be required to do so by the Commission, will participate in the support of universally available telephone service at affordable rates; and (5) provision of the service does not otherwise adversely impact the public interest.

**WHEREFORE**, MCImetro prays that a Certificate of Public Convenience and Necessity to provide telecommunications services in

accordance with the foregoing be granted, and for such other and further relief as is just and proper.

Respectfully submitted,

WILLOUGHBY & HOEFER, P.A.

BY: 

John M.S. Hoefer, Esquire  
Post Office Box 8416  
Columbia, SC 29202-8416  
(803) 799-9171

Marsha W. Ward, Esquire  
780 Johnson Ferry Road  
Suite 700  
Atlanta, GA 30342  
(404) 267-6374

Attorneys for MCImetro  
Access Transmission  
Services, Inc.

Columbia, South Carolina  
This 20th day of March, 1997

2-D:\WP51\MCI\METRO\APP

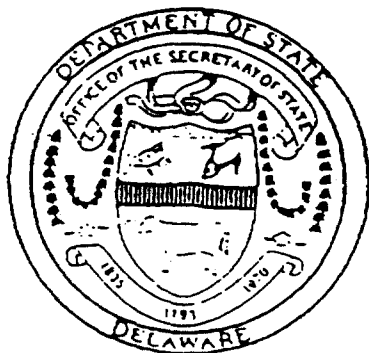
State of Delaware



## Office of Secretary of State

I, MICHAEL HARKINS, SECRETARY OF STATE OF THE STATE OF  
DELAWARE DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT  
COPY OF THE CERTIFICATE OF INCORPORATION OF MCI PRIVATE SYSTEMS,  
INC. FILED IN THIS OFFICE ON THE NINTH DAY OF FEBRUARY, A.D.  
1990, AT 9 O'CLOCK A.M.

| | | | | | | |



750040002

A handwritten signature of Michael Harkins in black ink.  
Michael Harkins, Secretary of State

AUTHENTICATION: 12533875

DATE: 02/09/1990

CERTIFICATE OF INCORPORATION

OF

MCI PRIVATE SYSTEMS, INC.

1. The name of the corporation is MCI PRIVATE SYSTEMS, INC.

2. The address of the registered office of the corporation in Delaware is 32 Loockerman Square, Suite L-100, City of Dover, County of Kent, and the name of the registered agent of the corporation at such address is The Prentice-Hall Corporation System, Inc.

3. The nature of the business and of the purposes to be conducted and promoted by the corporation shall be to conduct any lawful business, to promote any lawful purpose, and to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of the State of Delaware, including, without limiting the generality of the foregoing, the following businesses, purposes, acts and activities:

- (a) to acquire by purchase, exchange, lease or otherwise, and to own, hold, use, develop, operate, sell, assign, lease, transfer, convey, exchange, mortgage, pledge or otherwise dispose of, and otherwise to trade and deal in and with, real and personal property of every class or description, and rights and privileges therein, wheresoever situated.

The foregoing shall be construed as powers as well as objects and purposes, and shall be regarded as independent objects, purposes and powers; and the enumeration of specific objects, purposes and powers shall not be construed to limit or restrict in any manner the meaning of the general terms or the general objects, purposes and powers of the corporation nor shall the expression of one thing be deemed to exclude another not expressed, although it be of like nature.

4. The total number of shares of stock which the corporation is authorized to issue is one thousand shares of Common Stock, par value \$.10 per share.



5. The name and mailing address of the incorporator of the corporation is as follows:

Name

Mailing Address

Deborah A-S Walt

1133 19th Street, N.W.  
Washington, D.C. 20036

6. Except as required in the by-laws, no election of directors need be by written ballot.

7. The board of directors shall have the power to make, alter, or repeal by-laws, subject to the power of the stockholders to alter or repeal by-laws made or altered by the board of directors.

Executed on the 8th day of February, 1990.

Deborah A-S Walt  
Deborah A-S Walt, Incorporator